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Application Number: 10/763,842

Art Unit: 1754

Filing Date: January 23, 2004

Confirmation No.: 7703

Inventor(s): Alexander Goror

Examiner Name: Cam N. Nguyen

Attorney Docket Number: SMX 3086.2 (99-05C1D1CON1)



[] Applicant claims small entity status.

METHOD OF PAYMENT

The Commissioner is hereby authorized to charge the indicated fees to Deposit Account No. 19-1345. The Commissioner is hereby authorized to charge any under payment or credit any over payment to Deposit Account No. 19-1345.

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FEE CALCULATION

1. [] BASIC FILING, SEARCH AND EXAMINATION FEES
(Type: _____) Subtotal (1) \$ _____

2. [] EXCESS CLAIM FEES

Total Claims ____ - ____ (HP) = ____ x Fee ____ = \$ _____

Indep Claims ____ - ____ (HP) = ____ x Fee ____ = \$ _____

Multiple Dependent Claims Fee \$ _____

(HP = highest number of claims paid for)

Subtotal (2) \$ _____

3. [] APPLICATION SIZE FEE

Total Pages ____ - 100 = ____ ÷ 50 = ____ x \$250 = \$ _____

(Application + Drawings)

(round up to whole #)

Subtotal (3) \$ _____

4. [X] OTHER FEE(S)

[] _____ month extension of time

[] Information disclosure statement

[] 37 CFR 1.17(q) processing fee

[] Non-English specification

[] Notice of Appeal

[] Filing a brief in support of appeal

[] Request for oral hearing

[X] Other: Terminal Disclaimer

Subtotal (4) \$ 130.00

TOTAL AMOUNT OF PAYMENT \$ 130.00

Derick E. Allen

July 15, 2005

Derick E. Allen, Reg. No. 43,468
Telephone: 314-231-5400

Date

DEA/NAK/clh

Express Mail Label No. EV 621120212 US

Mail Stop Amendment



SMX 3086.2 (99-05C1D1CON1)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Alexander Goror
Serial No.: 10/763,842
Filed: January 23, 2004
Confirmation No.: 7703

Art Unit: 1754

For: PLATINUM-RUTHENIUM-PALLADIUM FUEL CELL ELECTROCATALYST

Examiner: Cam N. Nguyen

July 15, 2005

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

TO THE COMMISSIONER FOR PATENTS,

SIR:

The owner, Symyx Technologies, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,498,121. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is

in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

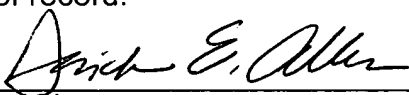
Check either box 1 or 2 below, if appropriate.

1. ☐ For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of organization

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

July 15, 2005
Date


Signature

Derick E. Allen, Reg. No. 43,468
Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.
- ☒ PTO suggested wording for terminal disclaimer was
- ☒ unchanged
- ☐ changed (if changed, an explanation should be supplied)

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